

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the office of the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California 95834, on **September 13, 2006 at 10:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **September 12, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5630 of the Business and Professions Code, and to implement, interpret or make specific Sections 5670, 5671, and 5672 of the Business and Professions Code, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Business and Professions Code Section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, that are reasonably necessary in order to carry out the provisions of law relating to the practice of landscape architecture.

Amend Section 2670 – Rules of Professional Conduct:

The existing regulation, which became effective on September 11, 1997, sets forth the Board's rules of professional conduct for landscape architects. The regulation establishes five components of professional conduct that licensees should comply with (competence, full disclosure, informed consent, conflict of interest and copyright infringement). The regulation further establishes that a violation of any rule of professional conduct in the practice of landscape architecture constitutes a ground for disciplinary action.

This proposal would retain the Board's existing rules of professional conduct and do the following: 1) move subsection (a)(3) from the current language under a new Willful Misconduct subheading, subsection (b), to be consistent with the Board's rules of professional conduct for architects under California Code of Regulations, Title 16, Division 2, Section 160; 2) add a new

provision under Willful Misconduct, subsection (b)(2), that would require a landscape architect or a candidate for licensure to respond to the Board's requests for information and/or evidence within 30 days whenever the Board is conducting an investigation; 3) add new language under subsection (c)(2) that would require a landscape architect to respond in writing within 30 days to any request from the Board for information solicited in connection with a candidate's application for a license to practice landscape architecture and delete the requirement to report the candidate's education; and 4) make additional clarifying edits to the language.

With respect to the proposed additions to the language, the Board has determined that the new rules would [improve the effectiveness of the Board's enforcement efforts and would benefit the public](#). In addition, this proposal adds clarifying language to the other rules of professional conduct.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The proposed regulation sets forth, by regulation, the Board's amended rules of professional conduct for landscape architects.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the Web site listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Ethan Mathes
Address:	California Architects Board Landscape Architects Technical Committee 2420 Del Paso Road, Suite 105 Sacramento, CA 95834
Telephone No.:	(916) 575-7233
Fax No.:	(916) 575-7285
E-mail Address:	ethan_mathes@dca.ca.gov

The backup contact person is:

Name:	Mary Ann Aguayo
Address:	California Architects Board Landscape Architects Technical Committee 2420 Del Paso Road, Suite 105 Sacramento, CA 95834
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Website Access: Materials regarding this proposal can be found at <http://www.latc.ca.gov>.